

EXHIBIT 12

Confidential

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ROBBIE MYERS

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

E. JEAN CARROLL,

Plaintiff,

vs.

DONALD J. TRUMP, et al.,

Defendants.

)

)

) Case No.

) 20 Civ. 7311

) (LAK) (JLC)

)

)

CONFIDENTIAL

DEPOSITION OF ROBBIE MYERS

NEW YORK, NEW YORK

OCTOBER 12, 2022

JOB NO. 218339

REPORTED BY: Tina Alfaro, RPR, CRR, RMR

1 ROBBIE MYERS

2 A. Yes.

3 Q. So you were her boss?

4 A. Yes.

5 Q. How often during this period when you were
6 editor-in-chief did you interact with E. Jean?

7 A. Often. I mean, at least once a month
8 because she had a monthly column, but she often came
9 in to our offices to -- so she had an assigning
10 editor, meaning so she worked directly with them and
11 then everything came up to me.

12 Q. Did you review her columns before they were
13 published?

14 A. Carefully, yes.

15 Q. How would you describe E. Jean as a writer?

16 A. That's a -- the term that came to mind is
17 sort of she's a baller, meaning she's -- as a
18 writer. She's a gifted writer. She is a journalist
19 first and everything that she writes is informed by
20 that, meaning the facts, but she -- she also, you
21 know, has a lot of wit and I think that's why her
22 readers loved her so much.

23 Q. What do you mean by everything she writes
24 is informed by the facts?

25 A. Well, she's a journalist first and she came

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up as a journalist, right. She worked at some, you know, places that are known for their journalism. So she developed that way as a writer. She did a lot of reporting for other places and also for us. I mean, not a lot for us because she was writing the column, she was busy doing that.

Q. Did -- what was E. Jean's reputation as a writer while you were editor-in-chief?

A. Well --

Q. Within the magazine.

A. E. Jean was -- I mean, she's kind of a rock star, meaning, you know, she had a public profile before she came to Elle, people knew who she was. She was on television. She had a show on MSNBC. She was hired by Roger Ailes. So she was public in that way, but she also worked for a lot of different places.

Am I answering your question?

Q. You are.

How did E. Jean's column fit into the magazine as a whole while you were editor-in-chief? And I realize this is over a long period of time.

A. Well, our readers were mostly women and women sometimes have issues. You know, E. Jean, she

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helped -- you know, she talked to -- she was talking to the general audience even as she was writing about an individual question.

Q. Would you say she had an impact on advice column -- the advice column genre more broadly?

A. Absolutely. I mean, it sort of exploded, you know, the other -- some of our competitors, but really, you know, just other places in the culture that you look at who never had advice columnists.

So I think that the term "advice columnist" has sort of like maybe kind of a dated feeling to it starting with Anne Landers and people who wrote in newspapers which were completely legitimate, but Elle was a national magazine which meant she was talking to the whole country.

Q. So other publications including competitors added advice columnists because of E. Jean?

A. Yes, but I will say that E. Jean was in a particular sort of category by herself. As I said, she had a high public profile before she came to Elle. I mean, what other people are doing is great, right, and it's fun and interesting, but women really trusted E. Jean and we got lots of feedback from readers that she helped them. Also, you know,

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they loved her voice because she puts a lot of funny in there or sort of -- but it's always undergirded by reporting.

Q. You said you got a lot of feedback that readers trusted her voice. What was the feedback?

A. Well, a lot of time it was thank you, I never thought about this that way, you really helped me in my relationship, you really helped me figure out how to navigate the business world. I mean, the questions were broad.

Q. Did you ever witness E. Jean interacting with any of her fans?

A. Yes.

Q. Can you -- can you describe some examples?

A. Well, I would say sometime in the last year we were having dinner with a group of people and E. Jean said she would drive me home because she brought her car into the city, and as we were walking to her car a group of women were like "I love you, E. Jean, keep doing what you're doing." That happened a lot, you know, people recognized her. It made her feel good, you know, but also, I mean, I just had to laugh, it's like you're a rock star.

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Q. During the time that you are editor-in-chief at Elle did you witness E. Jean interact with her fans?

A. Well, yes. I mean, she came to -- she came to the building. I mean, she came to -- so I worked for Hashet (phonetic), right. She was a columnist then too and we were sold to her. So I'm kind of thinking mostly about her, but she had worked for a long time. It's a big company, it has a big beautiful building. So people that didn't work with her and maybe hadn't met her, she would come up these dramatic stairs and it would be like E. Jean, you're great, you rock.

Of course, when she was on the floor, you know, Elle's floor, people just loved to see her because also she would walk up to them and say "What are you working on, girl," you know.

Q. While you were editor-in-chief did you ever attend any events in which E. Jean spoke --

A. Yes.

Q. -- or presented?

A. Sorry.

Q. That's okay.

A. Yes.

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Q. Do you recall any specific ones?

A. Well, the last one I did with her we had sort of -- it was at Noya House. I would often sort of moderate panels and there was a panel of pretty well known writers, and we gathered a crowd and these women did some readings. E. Jean read an excerpt from the biography that she did on Hunter Thompson.

Q. And how was that received?

A. Great. I mean, you know, people clap and hoot when she, you know. I mean, it was a pretty dramatic piece of writing too.

Q. You testified that you reviewed each one of E. Jean's columns before it was published. Did you ever have any concerns with E. Jean's -- the accuracy of E. Jean's writing?

A. No, not with the accuracy. Did you ever have any problems working with E. Jean?

A. No.

Q. Did you ever have any concerns about her ability to do her job?

A. No.

Q. Are you aware of whether anyone else had issues or concerns while you were editor-in-chief at

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2 Elle with E. Jean's columns?

3 A. No, not -- no, but she had opinions on
4 things and sometimes not everybody loved her opinion
5 and readers would let us know.

6 Q. Are you aware of whether anyone -- any of
7 the editors at Elle while you were editor-in-chief
8 ever had concerns about the accuracy of E. Jean's
9 writing?

10 A. No.

11 Q. To your knowledge, did E. Jean have a
12 contractual relationship when she was a writer at
13 Elle?

14 A. Yes. I signed the contract.

15 Q. That was going to be my next question.
16 Were you involved in negotiating the contract?

17 A. Yes.

18 Q. And you approved it?

19 A. Yes.

20 Q. I guess you testified previously that you
21 would have been involved in deciding how much
22 E. Jean was paid for her columns?

23 A. Yes.

24 Q. Do you recall how much she was paid while
25 you were editor-in-chief?

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A. Well, I gave her a raise when I was named editor-in-chief and maybe -- I'm sorry. Forgive me. It might have been maybe the next time her contract came up and I don't remember exactly when that was, but she made \$10,000 a column. So 120,000.

Q. Why did you give her -- why did you give her a raise?

A. Because she was really important to the magazine, because she deserved it, and, you know, my job was to build audience, among other things. I mean, not to be mercenary about it, but she was good at that. Also she was beloved and, I mean, it was time for her to get a raise.

Q. Were you also involved in deciding how many pages or lines E. Jean's column would be allotted?

A. Yes.

Q. And do you recall whether her allotment increased or decreased during the time you were editor-in-chief?

A. It increased.

Q. And why would you increase the number of pages or lines that a writer is allotted?

A. Well, to give them more room to say the things that I feel that they -- she needs to say,

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2 A. No.

3 Q. Why not?

4 A. Well, if the magazine -- if the magazine
5 world is somewhat in decline, you actually want to
6 keep those people who readers -- you know, she's a
7 destination, meaning readers would want to hear from
8 her. She was an important part of what kept us, you
9 know, popular. Also with the Internet we had
10 another place to put her and put her -- what she
11 produced, right. So the audience actually got
12 bigger for her.

13 Q. Who's the "her" in that sentence?

14 A. I'm sorry. E. Jean.

15 MS. CROWLEY: Just one minute.

16 I have nothing further.

17 EXAMINATION

18 BY MR. SWIFT:

19 Q. I have some questions. I don't have a lot
20 of questions, but Ms. Myers, do you want to take a
21 break before I begin my questions?

22 A. I'm okay.

23 Q. Again, my name is Peter Swift. I represent
24 Donald Trump in this litigation. I just want to
25 make sure that the same -- that you know the same